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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/062,156	01/30/2002	Brian Minear	010182	8738
23696	7590	10/19/2006	EXAMINER	
QUALCOMM INCORPORATED 5775 MOREHOUSE DR. SAN DIEGO, CA 92121			GRAHAM, CLEMENT B	
			ART UNIT	PAPER NUMBER
			3692	

DATE MAILED: 10/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/062,156

Applicant(s)

MINEAR ET AL.

Examiner

Clement B. Graham

Art Unit

3692

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

#### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-19, are rejected under 35 U.S.C. 102(e) as being anticipated by Ginter et al (Hereinafter Ginter U.S Patent 6, 185, 683).

As per claim 1, Ginter discloses a method for performing automated distribution and billing, comprising: providing a negotiation forum between a delivery entity and a receiver entity; receiving metadata associated with an application from a delivery entity.(note abstract and see column 15 lines 34-67 and column 16 lines1-60 and column 17-32 lines 1-67) presenting the metadata associated with the application to the receiver entity; receiving an acceptance of the metadata by the delivery entity and the receiver entity; configuring a catalog for the receiving entity associating the application and the metadata in a central repository; sending the catalog information to the receiver entity; receiving indication that a transaction of the product occurred; and transmitting billing information to the receiver entity.(note abstract and see column 15 lines 34-67 and column 16 lines1-60 and column 17-32 lines 1-67).

As per claim 2, Ginter discloses wherein the transaction includes information about the application being downloaded to a wireless device..(note abstract and see column 15 lines 34-67 and column 16 lines1-60 and column 17-32 lines 1-67).

As per claim 3, Ginter discloses wherein the negotiation forum uses a secure extranet accessible by the delivery and receiver entity.(note abstract and see column 15 lines 34-67 and column 16 lines1-60 and column 17-32 lines 1-67).

As per claim 4, Ginter discloses wherein the metadata includes billing information associated with the application. (note abstract and see column 15 lines 34-67 and column 16 lines 1-60 and column 17-32 lines 1-67).

As per claim 5, Ginter discloses wherein the receiver entity is a carrier. (note abstract and see column 15 lines 34-67 and column 16 lines 1-60 and column 17-32 lines 1-67).

As per claim 6, Ginter discloses wherein the delivery entity is a developer. (note abstract and see column 15 lines 34-67 and column 16 lines 1-60 and column 17-32 lines 1-67).

As per claim 7, Ginter discloses a system for performing automated distribution and billing, comprising:

means for providing a negotiation forum between a delivery entity and a receiver entity;

means for receiving metadata associated with an application from a delivery entity;

means for presenting the metadata associated with the application to the receiver entity;

means for receiving an acceptance of the metadata by the delivery entity and the receiver

entity;

means for configuring a catalog for the receiving entity associating the application and the metadata in a central repository. (note abstract and see column 15 lines 34-67 and column 16 lines 1-60 and column 17-32 lines 1-67)

means for sending the catalog information to the receiver entity;

means for receiving indication that a transaction of the product occurred; and means for transmitting billing information to the receiver entity. (note abstract and see column 15 lines 34-67 and column 16 lines 1-60 and column 17-32 lines 1-67).

As per claim 8, Ginter discloses wherein the transaction includes information about the application being downloaded to a wireless device. (note abstract and see column 15 lines 34-67 and column 16 lines 1-60 and column 17-32 lines 1-67).

As per claim 9, Ginter discloses wherein the negotiation forum uses a secure extranet accessible by the delivery and receiver entity. (note abstract and see column 15 lines 34-67 and column 16 lines 1-60 and column 17-32 lines 1-67).

As per claim 10, Ginter discloses wherein the metadata includes billing information associated with the application. .(note abstract and see column 15 lines 34-67 and column 16 lines1-60 and column 17-32 lines 1-67).

As per claim 11, Ginter discloses a computer-readable medium having computer executable instructions that when execute perform a method for performing automated distribution and billing, comprising: providing a negotiation forum between a delivery entity and a receiver entity.(note abstract and see column 15 lines 34-67 and column 16 lines1-60 and column 17-32 lines 1-67) receiving metadata associated with an application from a delivery entity; presenting the metadata associated with the application to the receiver entity; receiving an acceptance of the metadata by the delivery entity and the receiver entity; configuring a catalog for the receiving entity associating the application and the metadata in a central repository; sending the catalog information to the receiver entity; receiving indication that a transaction of the product occurred; and transmitting billing information to the receiver entity. .(note abstract and see column 15 lines 34-67 and column 16 lines1-60 and column 17-32 lines 1-67).

As per claim 12, Ginter discloses wherein the transaction includes information about the application being downloaded to a wireless device. .(note abstract and see column 15 lines 34-67 and column 16 lines1-60 and column 17-32 lines 1-67).

As per claim 13, Ginter discloses wherein the negotiation forum uses a secure extranet accessible by the delivery and receiver entity. .(note abstract and see column 15 lines 34-67 and column 16 lines1-60 and column 17-32 lines 1-67).

As per claim 14, Ginter discloses wherein the metadata includes billing information associated with the application..(note abstract and see column 15 lines 34-67 and column 16 lines1-60 and column 17-32 lines 1-67).

As per claim 15, Ginter discloses an automated distribution and billing system, comprising:  
an extranet accessible by multiple carriers and multiple developers and which use as a negotiation forum;  
a server having a central repository that stores metadata associated with an application;

and a transaction server to receive transaction data associated with the downloading of a product and, using the metadata, determines billing information associated with the downloading of the product. (note abstract and see column 15 lines 34-67 and column 16 lines1-60 and column 17-32 lines 1-67).

As per claim 16, Ginter discloses wherein the transaction server sends the billing information to a carrier.(note abstract and see column 15 lines 34-67 and column 16 lines1-60 and column 17-32 lines 1-67).

As per claim 17, Ginter discloses wherein the transaction server sends the billing information to a developer. .(note abstract and see column 15 lines 34-67 and column 16 lines1-60 and column 17-32 lines 1-67).

As per claim 18, Ginter discloses wherein the transaction data is associated with a product is downloaded to a wireless device. .(note abstract and see column 15 lines 34-67 and column 16 lines1-60 and column 17-32 lines 1-67).

As per claim 19, Ginter discloses a system for distributing applications over a wireless network, comprising:

a centralized processor operable to perform administrative functions associated with downloading an application to a wireless device.(note abstract and see column 15 lines 34-67 and column 16 lines1-60 and column 17-32 lines 1-67) a local processor connected to the centralized processor and operable to receive catalog data and the application from the centralized processor, to transmit the catalog and application to the wireless device, and to record transaction data associated with the transmission of the application .(note abstract and see column 15 lines 34-67 and column 16 lines1-60 and column 17-32 lines 1-67) and a transaction server connected to the centralized processor and the local processor and operable to receive metadata information from the centralized processor, receive transaction data from the local processor, and process the metadata information and transaction data for billing. .(note abstract and see column 15 lines 34-67 and column 16 lines1-60 and column 17-32 lines 1-67).

#### Conclusion

3. The prior art of record and not relied upon is considered pertinent to Applicants disclosure.

Art Unit: 3692

Eder (US 2001/0034686 A 1) teaches method of and system for defining and measuring the real options of a commercial enterprise.

Sandretto (US PATENT: 5, 812, 988) teaches method and system for jointly of estimating cash flows simulated returns risk measures and present values for a plurality of assets.

Horsfall (US Patent 2003/0083973 A1) teaches electronic trading system.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B Graham whose telephone number is 703-305-1874. The examiner can normally be reached on 7am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on 703-308-0505. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-0040 for regular communications and 703-305-0040 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

CG

Oct 14, 2006

  
FRANTZY POINVIL  
PRIMARY EXAMINER  
Au 3692